



November 19, 2013

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, and *In the Matter of Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, ET Docket No. 10-235, Notice of *Ex Parte* Communication

Dear Ms. Dortch,

On November 15, 2013, Rick Kaplan, Jane Mago and Bruce Franca of the National Association of Broadcasters ("NAB") met with the following individuals at the Federal Communications Commission ("FCC" or the "Commission"): Mindel De La Torre, Robert Nelson and Alexander Roytblat of the International Bureau ("Bureau"), and Ron Repasi of the Office of Engineering and Technology.

At the meeting, NAB addressed the International Bureau's ongoing advocacy in domestic and international working groups for adding a mobile allocation across the entire current broadcast television band, regardless of the amount of spectrum recovered in the upcoming incentive auction. NAB reminded Bureau staff that the question of whether a mobile allocation should be added to the broadcast band is the subject of the above two *open* proceedings at the Commission.<sup>1</sup> Thus, not only has the Commission taken no action on this issue, it has affirmatively raised the question, and could decide in the near future that it would be *improper* to designate

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<sup>1</sup> See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Notice of Proposed Rulemaking, 27 FCC Rcd 12357, ¶121 (2012); *Innovation in the Broadcast Television Bands; Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, 25 FCC Rcd 16498, ¶16 (2010).

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the entire broadcast television band for broadcast and mobile services. NAB urged the Bureau not to exceed its authority, and to maintain a neutral position on the question of allocations, until it receives further clarification from Chairman Wheeler and the Commissioners through the rulemaking process already underway.

NAB also reiterated its position that adding a mobile allocation to the entire broadcast band is unnecessary and unwise. There is simply no reason to add such an allocation beyond the spectrum that is repurposed in the auction. The broadcast band is already tightly packed (and will be more so post-auction) with full power, low power and Class A broadcasters, plus their associated translators, wireless microphones, public safety users and unlicensed devices in the unused white spaces. There is no room for commercial mobile services. The only apparent purpose of this proposed allocation, therefore, is to suggest that the Commission has future plans to remove from the band those broadcasters remaining after the voluntary incentive auction. Even if that were the case – and NAB strongly objects to any further reduction in the ability of free, over-the-air broadcasters to compete – the Commission could always add the mobile allocation at a later date, when any other portion of the band was repurposed.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

Rick Kaplan  
Executive Vice President, Strategic Planning  
National Association of Broadcasters